

### REMARKS

#### Telephonic Interview Request

If after reviewing the instant response and amendment the Examiner believes a telephonic interview would expedite prosecution of this application; Applicants invite the Examiner to call Applicants' representative as noted below.

#### Status of the Claims

##### *Pending claims*

Claims 1 to 13, 16 to 33, 35, 36, 38 to 43, 45, 46, 81 to 88, and 92 to 98 are pending and under consideration.

##### *Outstanding Rejections*

Claims 1 to 13, 16 to 33, 35, 36, 38 to 43, 45, 46, 81 to 88 and 92 to 98 are rejected under 35 U.S.C. § 112, second paragraph. Claims 11, 12, 13, 29 and 36 stand rejected under 35 U.S.C. §112, first paragraph, enablement requirement.

Applicants respectfully traverse all outstanding objections to the specification and rejection of the claims.

#### Support for the claim amendments

The specification sets forth an extensive description of the invention in the new and amended claims. Applicants respectfully submit that no new matter is introduced by the instant amendment.

Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendment places the case in condition for allowance and places the case in better condition for appeal; the amendment does not raise any issues of new matter; and, the amended claims do not present new issues requiring further consideration or search.

#### Information Disclosure Statement

The Office noted that because no copy of the European search report for the corresponding EPO application (the Supplementary Partial European Search Report for EP 02 74 4174, mailed on April 4, 2006) accompanied the IDS filed on June 30, 2006, reference 3 was not considered (see

paragraph 1, page 2, of the OA). Applicants note that reference 3 was supposed to accompany the IDS as reference 3.

To address this, another copy of reference 3, the Supplementary Partial European Search Report for EP 02 74 4174, mailed on April 4, 2006 is attached herein. It is respectfully requested that the cited reference 3 be expressly considered during the prosecution of this application, and the reference be made of record and appear among the “references cited” on any patent to issue therefrom.

#### Claim Objections

Claims were objected to for reasons set forth in paragraphs 3 to 14, pages 2 to 5, of the OA. The instant amendment addresses this issue.

#### Issues under 35 U.S.C. § 112, Second Paragraph

Claims 1 to 13, 16 to 33, 35, 36, 38 to 43, 45, 46, 81 to 88 and 92 to 98 are rejected under 35 U.S.C. § 112, second paragraph, for reasons set forth in paragraphs 15 to 20, pages 5 to 8, of the OA. The instant amendment addresses this issue.

#### Issues under 35 U.S.C. § 112, First Paragraph, enablement requirement

Claims 11, 12, 13, 29 and 36 stand rejected under 35 U.S.C. § 112, first paragraph, enablement requirement, for reasons set forth in paragraphs 21 to 25, page 8, of the OA. The instant amendment addresses this issue.

CONCLUSION

In view of the foregoing amendment and remarks, it is believed that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, first and second paragraphs, and the objections to the specification and claims. Applicants believe all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 564462001802. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If after reviewing the instant response and amendment the Examiner believes a telephonic interview would expedite prosecution of this application; Applicants invite the Examiner to call Applicants' representative as noted below.

Dated: January 22, 2007

Respectfully submitted,

By           /Gregory P. Einhorn/            
Gregory P. Einhorn  
Registration No.: 38,440  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, California 92130-2040  
(858) 720-5133